

Rod Danielson
Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION

IN RE:

ANTHONY THOMAS PUCILLO

CHAPTER 13
CASE NO.: 6:13-bk-25312-SY

NOTICE AND MOTION FOR ORDER
DISMISSING CHAPTER 13 CASE
(TAX RETURNS/REFUNDS)

Debtor(s).

Hearing Date: 7/26/2016
Hearing Time: 10:00 am
Courtroom: 302

PLEASE TAKE NOTICE that the Chapter 13 Trustee hereby moves the court for an order dismissing this case for the reasons set forth below:


Debtor is required to submit copies of the most recent year's state and federal tax returns to the Trustee within 14 days of the date those returns have been filed with the applicable taxing agency. Local Bankruptcy Rule 3015-1(o). In addition, all tax refunds received during the term of the plan are pledged to the plan. See Order Confirming Plan.

Dismissal is requested pursuant to 11 U.S.C. section 1307(c)(6) in that a material default has occurred with respect to a term of the confirmed plan. Debtor was required to execute the terms set forth above in the time period set forth above; to date, debtor has failed to do so in the following respects:

DEBTOR HAS FAILED TO SUBMIT 2015 FEDERAL AND STATE TAX RETURNS AND
ANY CORRESPONDING REFUNDS TO THE CHAPTER 13 TRUSTEE.

This motion may be granted without a hearing pursuant to local Bankruptcy Rule 9013-1(o)(1). Any party in interest wishing to oppose the motion must file and serve opposition papers on the Trustee no later than fourteen (14) days prior to the date of the hearing. Failure to comply with these provisions will result in the dismissal of the case. See also Local Bankruptcy Rule 3015-1(w)(3)(A).

Date: June 06, 2016


Rod Danielson, Chapter 13 Trustee

DECLARATION OF ROD DANIELSON


I hereby declare under the penalty of perjury:

1. I am the Chapter 13 Standing Trustee assigned to administer this case;
2. That I am familiar with the documents in my office file for this case as well as any information contained in my computer's database. I routinely use this information in the day-to-day business of the Trustee, I have reviewed this information, and I am well familiar with the documents filed in this case, as well as the history of receipts and disbursements.
3. The petition in this case was filed on September 12, 2013 and the plan was confirmed on November 05, 2013.
4. Local Bankruptcy Rule 3015-1(o) provides that the debtor is required to submit copies of the state and federal income tax returns to the Trustee within 14 days of the date those returns have been filed with the appropriate taxing authority.
5. Paragraph 3(a) of the order confirming the plan in this case provides that all tax refunds received during the term of the plan are pledged to the plan.
6. A material default has occurred with respect to a term of the confirmed plan. Debtor was required to execute the terms set forth above in the time period set forth above; to date, debtor has failed to do so in the following respects:

DEBTOR HAS FAILED TO SUBMIT 2015 FEDERAL AND STATE TAX RETURNS AND ANY CORRESPONDING REFUNDS TO THE CHAPTER 13 TRUSTEE.

I Declare under penalty of perjury that the foregoing is true and correct.

Dated this June 06, 2016 at Riverside, CA 92501.


Rod Danielson, Chapter 13 Trustee

In re: **ANTHONY THOMAS PUCILLO**

Debtor(s)

Chapter: 13

Case Number: **6:13-bk-25312-SY**

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3787 University Avenue, Riverside, CA 92501.

The foregoing document described **NOTICE AND MOTION FOR ORDER DISMISSING CHAPTER 13 CASE (TAX RETURNS/REFUNDS)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Orders(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐ Service Information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **06/06/2016** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

☒ Service Information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (Indicate method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

☐ Service Information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

06/06/2016

Date

Jenay Younger

Type Name

Jenay Younger

In re: **ANTHONY THOMAS PUCILLO**

Debtor(s)

Chapter: 13Case Number: **6:13-bk-25312-SY****PROOF OF SERVICE OF DOCUMENT CONTINUED**

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